

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

(Honolulu, Hawaii)

OCEANIC COMPANIES, INC.

Employer

and

INTERNATIONAL BROTHERHOOD OF BOILERMAKERS, IRON
SHIP BUILDERS, BLACKSMITHS, FORGERS AND HELPERS, AFL-CIO

Petitioner

and

HONOLULU LOCAL 675 OF THE PLUMBERS, FITTERS,
AND APPRENTICES OF THE UNITED ASSOCIATION OF
JOURNEYMEN AND APPRENTICES OF THE PLUMBING
AND PIPEFITTING INDUSTRY OF THE UNITED STATES
AND CANADA, AFL-CIO 1/

Cross-Petitioner

37-RC-3903
37-RC-3904**DECISION AND DIRECTION OF ELECTION**

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board; hereinafter referred to as the Board. 1/

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding 2/, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein. 3/
3. The labor organization(s) involved claim(s) to represent certain employees of the Employer. 4/
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act. 5/
5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act: 6/

All full-time and regular part-time construction, maintenance and repair employees employed by the Employer; excluding , temporary employees, office clerical employees, guards, managers and supervisors as defined in the Act.

DIRECTION OF ELECTION 7/

An election by secret ballot shall be conducted by the undersigned among the employees in the unit(s) found appropriate at the time and place set forth in the notice of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit(s) who were employed during the payroll period ending

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immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether or not they desire to be represented for collective bargaining purposes by **International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL-CIO; or Honolulu Local 675 of the Plumbers, Fitters, and Apprentices of the United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, AFL-CIO.**

LIST OF VOTERS

In order to insure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. **Excelsior Underwear, Inc.**, 156 NLRB 1236 (1966); **NLRB. Wyman-Gordan Company**, 394 U.S. 759 (1969). Accordingly, it is hereby directed that with 7 days of the date of this Decision 3 copies of an election eligibility list, containing the full names and addresses of all the eligible voters, shall be filed by the Employer with the undersigned who shall make the list available to all parties to the election. **North Macon Health Care Facility**, 315 NLRB No. 50 (1994). In order to be timely filed, such list must be received in the Subregion 37 Office, 300 Ala Moana Boulevard, Room 7-245, Post Office Box 50208, Honolulu, Hawaii, on or before **August 27, 1999**. No extension of time to file this list shall be granted except in extraordinary circumstances, nor shall the filing of a request for review operate to stay the requirement here imposed.

RIGHT TO REQUEST REVIEW

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the **Executive Secretary, 1099-14th Street, NW, Washington, DC 20570-0001**. This request must be received by the Board in Washington by **September 3, 1999**.

Dated August 20, 1999

at San Francisco, California

/s/ Joseph P. Norelli
Acting Regional Director, Region 20

- 1/ In its post-hearing brief, the Employer requested that the authorization cards submitted by the Petitioner and the Cross-Petitioner be compared with the signatures of signed W-4 forms submitted by the Employer to the subregional office. It is well settled that the sufficiency of a petitioner's showing of interest is an administrative matter not subject to litigation. O. D. Jennings & Company, 68 NLRB 516 (1946). I am administratively advised that the showing of interest of the Petitioner and the Cross-Petitioner is adequate.
- 2/ The Joint Motion of the Parties that the record be reopened to receive their joint stipulation with regard to the Employer's operations affecting commerce is hereby granted and said Joint Stipulation is hereby received into the record.
- 3/ The parties stipulated that the Employer is a Hawaii corporation, with offices located at 1287 Kalani Street, Honolulu, Hawaii, and is engaged in the business of the construction, maintenance, repair and engineering of heavy industrial plants throughout the State of Hawaii and the Pacific Islands. During the 12-month period preceding the filing of the petitions herein, the Employer purchased and received at its Honolulu, Hawaii facility, goods and materials valued in excess of \$50,000 directly from points outside the State of Hawaii. Based on the parties stipulation to such facts it is concluded that the Employer is engaged in commerce and it will effectuate the purposes of the Act to assert jurisdiction herein.
- 4/ The parties stipulated that the Petitioner and the Cross-Petitioner are each a labor organization within the meaning of the Act.
- 5/ No party contends that there is a contract bar to this proceeding.
- 6/ The unit appears in accord with the stipulation of the parties.
- 7/ At the hearing, the Petitioner requested that a mail ballot election be directed herein on the basis that the employees at issue work at several locations some distances apart; the employees are scheduled to report to work at their respective locations; the starting times vary; and at certain locations it is not clear that there is a polling place that would be convenient to maintaining the secrecy of the ballots.

In its post-hearing brief, the Employer opposed the Petitioner's request for a mail ballot election. In so doing, the Employer, citing the Board's decision in San Diego Gas and Electric, 325 NLRB No. 218 slip op. (1998), noted the Board's long standing policy that as a general rule representation elections should be conducted manually either at the work place or at some other appropriate location. The Employer also asserted that the eligible voters are not widely scattered in that they are all employed on the Island of Oahu and do not work in a wide geographical area. The Employer further asserted that there are basically three worksites at which a manual election can be held and that there is an offer by the Employer

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to hold the election at its corporate central warehouse while giving the eligible voters time off work with pay in order to participate in the election. In these circumstances, I hereby refer to the Officer In Charge of Subregion 37 the determination as to whether a mail ballot election is appropriate in this case.

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